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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,139	09/12/2003	Frank S. Hada	KCX-662 (19063)	9094
22827	7590	02/06/2007	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449. GREENVILLE, SC 29602-1449			RINEHART, KENNETH	
			ART UNIT	PAPER NUMBER
			3749	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/06/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/662,139	HADA ET AL.	
	<b>Examiner</b> Kenneth B. Rinehart	<b>Art Unit</b> 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 January 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 and 12-33 is/are rejected.
- 7) Claim(s) 11 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 December 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All. b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 1/18/07 have been fully considered but they are not persuasive. The applicant argues that the pressures defined in the claims can be replicated by one of ordinary skill in the art. The examiner disagrees. The applicant is claiming a range of pressures that could be exceptionally high as the inventor is using open ended ranges. Similarly the applicant is claiming a wrap of 360 degrees. The disclosure is not enabling for these open ended ranges. No working examples are provided in the disclosure for these high pressures and a wrap of 360 degrees. Regarding the Houstila (4238284) in view of Kankaanpaa rejection, the applicant is arguing against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. The references illustrate the limitations as claimed and motivational reasoning has been provided to combine the references.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10, 12, 22, 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 26 refers to at least 345 degrees, at least 1 inch Hg, a pressure greater than 1 atmosphere, at least about 4 inches

Hg which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 13-21, 23, 24, 25, 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houstila (4238284) in view of Kankaanpaa (3891500). Kankapaa discloses a first fabric for conveying a paper web (21, fig. 1); a through-air dryer comprising a hood surrounding a drying cylinder, the through-air dryer being configured to convey a hot gaseous stream through a paper web traveling over the drying cylinder (23, fig. 1), a throughdryng fabric being wrapped around the drying cylinder of the through-air dryer, the throughdryng fabric forming an endless loop (31, fig. 1); and a transfer roll positioned outside the endless loop of the throughdryng fabric (25, fig. 1), the first fabric and the throughdryng fabric being wrapped around the transfer roll in an overlapping relationship (fig. 1), a rotatable roll (fig. 1), a turning roll located downstream of the transfer roll along the through-air dryer, the throughdryng fabric being wrapped around the turning roll as the fabric leaves the drying cylinder of the through-air dryer, the turning roll in combination with the transfer roll determining the amount the throughdryng fabric is wrapped around the drying cylinder of the through-air dryer (34,fig. 1) , a second fabric wrapped around the turning roll in an overlapping relationship with the throughdryng fabric, wherein a paper web is conveyed through the through-air dryer by the throughdryng fabric, is

fed in between the throughdrying fabric and the second fabric along the turning roll, and is then transferred to the second fabric (32, fig. 1), the turning roll is positioned outside the endless loop of the throughdrying fabric (34, fig. 1), a paper web is only in contact with conveying fabrics when conveyed into and out of the through-air dryer (fig. 1), a first transfer fabric configured to convey a paper web to the throughdrying fabric (21, fig. 1), the first transfer fabric converging with the throughdrying fabric at a transfer point (21, 31, fig. 1); and a transfer roll positioned at the transfer point (25, fig. 1), the first transfer fabric and the throughdrying fabric being wrapped around the transfer roll in an overlapping relationship (fig. 1), and wherein a paper web is conveyed on the first transfer fabric (W, fig. 1), fed in between the first transfer fabric and the throughdrying fabric and then transferred to the throughdrying fabric prior to being conveyed around the drying cylinder of the through-air dryer (fig. 1), a tissue making system (col. 1, line 5), a drying cylinder (20, fig. 1), a drying fabric wrapped around at least a portion of the drying cylinder, the throughdrying fabric being in the shape of an endless belt, the endless belt having an upstream end prior to the drying cylinder and a downstream end after the drying cylinder, and (31, fig. 1), a transfer roll positioned at the upstream end of the drying fabric and a turning roll positioned at the downstream end of the drying fabric, the transfer roll and the turning roll being positioned outside the endless loop (25, 34, fig. 1), the transfer fabric is wrapped around the transfer roll in an overlapping relationship with the drying fabric, and wherein a paper web conveyed on the transfer fabric is fed in between the transfer fabric and the drying fabric along the transfer roll and then transferred to the drying fabric (21, W, 31, fig. 1), the transfer fabric is positioned adjacent to the transfer roll (fig. 1), the dryig apparatus comprises a through air dryer (fig. 1), the apparatus further comprises a hood surrounding the drying cylinder, the through-air

dryer being configured to convey a hot gaseous stream through a paper web passing in between the hood and the drying cylinder (23, fig. 1), a second transfer fabric wrapped around a turning roll in an overlapping relationship with the throughdrying fabric, wherein a paper web is conveyed through the through-air dryer by the throughdrying fabric, is fed in between the throughdrying fabric and the second transfer fabric along the turning roll, and is then transferred to the second transfer fabric (32, fig. 1). Houstila discloses applicant's invention substantially as claimed with the exception of the transfer roll including a pressurized zone configured to emit a gaseous stream for facilitating transfer of a paper web from the first fabric to the throughdrying fabric, adjacent to the transfer roll, the throughdrying fabric is wrapped around the drying cylinder at least 270, 285,300,330, the pressurized zone has a length and wherein the throughdrying fabric is wrapped around the transfer roll so as to substantially cover the entire length of the pressurized zone, the throughdrying fabric separating from the first fabric at about an end of the pressurized zone, the transfer roll further includes a pressurized zone that facilitates transfer of a paper web from the first transfer fabric to the throughdrying fabric, a head box configured to contain an aqueous suspension of papermaking fibers and for depositing the aqueous suspension onto a forming fabric, the pressurized zone has an upstream end, a downstream end, and a length and wherein the throughdrying fabric is wrapped around the transfer roll over the entire length of the pressurized zone, the throughdrying fabric separating from the transfer fabric at about the downstream end of the pressurized zone, a pressurized zone configured to emit a fluid stream for transferring a web from a transfer fabric to the drying fabric, the transfer roll and the turning roll are positioned such that the throughdrying fabric is wrapped at least 295 around the drying cylinder. Kankaanpaa teaches the transfer roll including

a pressurized zone configured to emit a gaseous stream for facilitating transfer of a paper web from the first fabric to the through drying fabric, adjacent to the transfer roll, the throughdrying fabric is wrapped around the drying cylinder at least 270, 285,300,330, the pressurized zone has an upstream end, a downstream end, and a length and wherein the throughdrying fabric is wrapped around the transfer roll over the entire length of the pressurized zone, the throughdrying fabric separating from the transfer fabric at about the downstream end of the pressurized zone, and wherein the transfer roll includes a pressurized zone configured to emit a fluid stream for transferring a web from a transfer fabric to the drying fabric, the transfer roll and the turning roll are positioned such that the throughdrying fabric is wrapped at least 295 around the drying cylinder (19, fig. 1, col. 4, lines 55-61), the pressurized zone has a length and wherein the throughdrying fabric is wrapped around the transfer roll so as to substantially cover the entire Length of the pressurized zone, the throughdrying fabric separating from the first fabric at about an end of the pressurized zone (15, 6, fig. 1), the transfer roll further includes a pressurized zone that facilitates transfer of a paper web from the first transfer fabric to the through drying fabric (fig. 1), a head box configured to contain an aqueous suspension of papermaking fibers and for depositing the aqueous suspension onto a forming fabric (1, fig. 1), the pressurized zone has an upstream end, a downstream end, and a Length and wherein the throughdrying fabric is wrapped around the transfer roll over the entire length of the pressurized zone, the throughdrying fabric separating from the transfer fabric at about the downstream end of the pressurized zone (fig. 1) for the purpose of increasing the speed. It would have been obvious to one of ordinary skill in the art to modify Houstila by including the transfer roll including a pressurized zone configured to emit a gaseous stream for facilitating transfer of a paper web from the first fabric to the

throughdrying fabric, adjacent to the transfer roll, the pressurized zone has a length and wherein the throughdrying fabric is wrapped around the transfer roll so as to substantially cover the entire Length of the pressurized zone, the throughdrying fabric separating from the first fabric at about an end of the pressurized zone, the transfer roll further includes a pressurized zone that facilitates transfer of a paper web from the first transfer fabric to the throughdrying fabric, a head box configured to contain an aqueous suspension of papermaking fibers and for depositing the aqueous suspension onto a forming fabric, the pressurized zone has an upstream end, a downstream end, and a Length and wherein the throughdrying fabric is wrapped around the transfer roll over the entire length of the pressurized zone, the throughdrying fabric separating from the transfer fabric at about the downstream end of the pressurized zone, and wherein the transfer roll includes a pressurized zone configured to emit a fluid stream for transferring a web from a transfer fabric to the drying fabric as taught by Kankaanpaa for the purpose of increasing the speed so that the apparatus is more efficient and more product is produced.

***Allowable Subject Matter***

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Josiah Cocks can be reached on 571-272-4874. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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KENNETH RINEHART  
PRIMARY EXAMINER